Norris, McLaughlin & Marcus

A PROFESSIONAL CORPORATION

875 THIRD AVENUE 18TH FLOOR New York, NY 10022 (212) 808-0700 Facsimile: (212) 808-0844

FACSIMILE COVER SHEET

May 17, 2006

TO:

Ms. Terry Dey

United States Patent and Trademark Office

TELEFAX:

Fax # 571-273-0100

RE:

Application No.: 10/067,189

Reissue

FROM:

Kurt G. Briscoe

ATTORNEY DOCKET NO.:

100717-522 / Bayer 6708.5 Reissue

MESSAGE:

Attached herewith please find:

- Amendment After Allowance (2 pages)
- Reissue Declaration (12 pages)

We are transmitting 15 pages, including cover page. If the transmission is not complete, please call (212) 808-0700 and ask for Jennifer Archer at Ext. 8881.

This is the only form of delivery for this document:

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New Jersey Office: 721 Route 202-206 P.O. Box 1018 Somerville, NJ 08876-1018

Telephone: (908) 722-0700 Facsimile: (908) 722-0755

26.4-00 2006 05/18 THU 10:14 [TX/RX NO 5558] 2001

FACSIMILE CERTIFICATE

I hereby certify that this correspondence is being filed via facsimile to the designated fax number (571) 273-0100 to Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450 on the date indicated below.

Date: May 17, 2006

Jennifer Archer

Attorney Docket No. 100717-522 / Bayer 6708.5 - Reissue

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT

Kozo SHIOKAWA et al

SERIAL NO.

10/067,189

CUSTOMER NO. :

27384

FILED

February 4, 2002

FOR

HETEROCYCLIC COMPOUNDS

ART UNIT

1624

EXAMINER

Richard L. Raymond

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

AMENDMENT AFTER ALLOWANCE SUBMISSION OF REISSUE DECLARATION

SIR:

Please place of record the attached reissue declaration and enter the following:

REMARKS

The attached reissue declaration incorporates by reference all amendments "through April 12, 2006." April 12, 2006, was the date of a telephone conference between the undersigned and Mr. Steve Marcus, wherein Mr. Marcus first explained to the undersigned the need for a reissue declaration that took into consideration the

USSN 10/067,189

Page 1

00081858

Amendment After Allowance

amendments made to the issue application subsequent to the date of execution of the previous reissue declaration. Accordingly, April 12, 2006, was selected as the date of mention in the current reissue declaration, and the reissue declaration, thus, takes into consideration all amendments through and including April 12, 2006.

Early reissuance of the patent is earnestly solicited.

Respectfully submitte

NORRIS MCLAUCHLIN & MARCUS, P.A.

Kurt G. Briscoe, Reg. No. 33,141

Attorney or Applicant(s) 875 Third Avenue - 18th Floor

New York, New York 10022

Phone: (212) 808-0700

	REISSUE A POWER OI	APPLICATION F ATTORNEY	COMBINATION	DECLARATION &	ATTORNEY 100717- 522 Reissue	DOCKET N / Bayer 67	o.: 08.5
I/We her	eby declare	that:					
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original, and clain	ieve i am/we first and joint ned in paten	e are the origin t inventor (if plat t number 4 84	ial, first and sole i	inventor (if only on sted below) of the s	e name is lis	ted belov	v) or an
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I hereby of application application priority is	claim foreign n(s) for pate n for patent o claimed:	priority benefi nt or inventor's or inventor's co	ts under Title 35, s certificate listed ertificate having a	United States Cod below and have a filing date before	de, §119 of a also identified that of the a	any foreig d below a pplication	n ny foreign non which
Prior F	oreign Appli	cation(s)				Priority	Claimed
SHO 6 (Number	1-48629 er)		lapan untry)	07 March 1986 (Day/Month/Yr		Øyes	□ no
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(Applicat	tion Serial N	0.)	(Filing Date)		(Status) ed, pending, abar	ndoned)	

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY Docket No. 100717-522

Page 2 of 3

•	r believe the original patent to be wholly or partly inoperative or invalid, for the reasons describe . (check all boxes that apply)
	☐ by reason of a defective specification or drawing.
	by reason of the patentee claiming more or less than he had the right to claim in the patent.
	🖾 by reason of other errors as described below

The present reissue application is filed to correct two errors: First, patent claim 9 is improperly dependent on patent claim 8. Patent claim 8 requires "a compound according to claim 1." Patent claim 1, in turn, limits such compound to those wherein "A represents an ethylene group which may be substituted by methyl." Patent claim 9 recites two tetrahydropyrimidine compounds and one tetrahydrothiazine compound, which would correspond to compounds of patent claim 1 wherein A represents a propylene group. Since patent claim 1 does not permit A to represent a propylene group, patent claim 9 is improperly dependent on patent claim 8.

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

POWER OF ATTORNEY: As a named inventor, I hereby appoint

Practioners Associated with the	27384
Customer Number:	2/304

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

¬¬¬¬¬¬	
DIRECT TELEPHONE CALLS TO:	
Kurt G. Briscoe	(212) 808-0700

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522

Page 3 of 3

FULL NAME OF SOLE OR FIRST INVENTOR KOZO SHIOKAWA	INVENTOR'S SIG	GNATURE	DATE
RESIDENCE		CITIZENSHIP	
6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Ja POST OFFICE ADDRESS	pan	Japanese	
Same as above		•	
FULL NAME OF SECOND JOINT INVENTOR, IF ANY	INVENTOR'S SIG	2NATURE	DATE
SHINICHI TSUBOI		SIAVIONE	DATE
RESIDENCE 1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japa		CITIZENSHIP	
POST OFFICE ADDRESS	ın	Japanese	
Same as above			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY SHINZO KAGABU	INVENTOR'S SIG	NATURE	DATE
RESIDENCE 1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan		CITIZENSHIP	
POST OFFICE ADDRESS		Japanese	
Same as above			
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	INVENTOR'S SIG	NATURE	DATE
SHOKO SASAKI RESIDENCE	Shoko Laso		April 19, 2006
6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Jap	*.	CITIZENSHIP	***
POST OFFICE ADDRESS	oan	Japanese	
Same as above			
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY KOICHI MORIYA	INVENTOR'S SIG	NATURE	DATE
RESIDENCE 3-15-8-701, Asakusabashi, Taito-ku, Tokyo, 111-0053-Ja	non	CITIZENSHIP	1
POST OFFICE ADDRESS	pan	Japanese	
Same as above			
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY YUMI HATORI	INVENTOR'S SIG	NATURE	DATE
RESIDENCE 12397-4, Yuki, Yuki-shi, Ibaraki, 307-0001, Japan POST OFFICE ADDRESS		CITIZENSHIP Japanese	
Same as above	·		
FULL NAME OF SEVENTULOUS AND INCOME.			
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(Application Serial No.)

		PPLICATION COMBINATION DECL ATTORNEY	ARATION &	ATTORNEY DO 100717- 522 / B Reissue		
I/We he	reby declare	that:				
My/our r	esidence, po	st office address and citizenship are	e as stated be	elow next to my	name,	
original, and clai	first and join med in paten	e are the original, first and sole invent t inventor (if plural names are listed to t number <u>4,849,432</u> , granted <u>July 1</u> on entitled <u>HETEROCYCLIC COM</u> F	elow) of the 18, 1989 and	subject matter v	which is	described
	cification of w					
((check one)	☐ is being filed herewith, or				
		■ was filed on February 4, 2002 10/067,189 and was amended to the second			erial nun	nber
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applicati	ion(s) for pate ion for patent	n priority benefits under Title 35, Uni ent or inventor's certificate listed bel or inventor's certificate having a filir	ow and have	also identified	below a	ny foreign
priority is	s claimed:				phoduoi	on which
priority is	s claimed: Foreign App	lication(s)				on wnicr
priority is	Foreign App 61-48629	Japan	07 March 19 (Day/Month/	86		
Priority is Prior SHO	Foreign App <u>61-48629</u> aber)	<u>Japan</u> (Country)		86 Yr. Filed)	Priority	Claimed

(Filing Date)

(Status) (patented, pending, abandoned)

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY Docket No. 100717-522 Page 2 of 3

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Practioners Associated with the Customer Number: 27384

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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DIRECT TEL	EPHONE C	ALLS TO:			

(212) 808-0700

Kurt G. Briscoe

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY Docket No. 100717-522

Page 3 of 3

FULL NAME OF SOLE OR FIRST INVENTOR	INVENTOR'S SIGNATURE DATE		
KOZO SHIOKAWA	Top Su	idlawa	19 April 2006
RESIDENCE	CITIZENSHIP		
6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japa	n	Japanese	
POST OFFICE ADDRESS			
Same as above			
FULL NAME OF SECOND JOINT INVENTOR, IF ANY	INVENTOR'S SIG	NATURE	DATE
SHINICHI TSUBOI			1
RESIDENCE	 	CITIZENSHIP	
1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japan		Japanese	
POST OFFICE ADDRESS			
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FULL NAME OF THIRD JOINT INVENTOR, IF ANY	INVENTOR'S SIG	NATURE	DATE
SHINZO KAGABU			
RESIDENCE		CITIZENSHIP	<u>' </u>
1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan		Japanese	
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FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	INVENTOR'S SIG	NATURE	DATE
SHOKO SASAKI	INVERTOR O OIC	MATORE	
RESIDENCE		CITIZENSHIP	
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	REISSUE AF POWER OF		OMBINATION DECLA	RATION &	ATTORNEY DOG 100717- 522 / Ba Reissue		
I/We he	reby declare t	hat:					
My/our r	esidence, pos	t office addres	ss and citizenship are	as stated be	elow next to my	name,	
original, and clai	first and joint med in patent	inventor (if plu number <u>4,849</u>	al, first and sole invent ral names are listed b 0,432 , granted <u>July 1</u> TEROCYCLIC COMP	elow) of the s 8, 1989 and	subject matter v	which is a	escribed
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) 61-48629 mber)		Japan ountry)	07 March 19 (Day/Month/		⊠yes	□ no
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REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY
Docket No. 100717-522
Page 2 of 3

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (check all boxes that apply)
 □ by reason of a defective specification or drawing.
 □ by reason of the patentee claiming more or less than he had the right to claim in the patent.
 ☒ by reason of other errors as described below.

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DIRECT TELEPHONE CALLS TO:

Kurt G. Briscoe (212) 808-0700

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY

Docket No. 100717-522 Page 3 of 3

FULL NAME OF SOLE OR FIRST INVENTOR KOZO SHIOKAWA	INVENTOR'S SIG	NATURE	DATE
RESIDENCE	<u></u>	CITIZENSHIP	
6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japa	in	Japanese	
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FULL NAME OF SECOND JOINT INVENTOR, IF ANY SHINICHI TSUBOI	INVENTOR'S SIG	INATURE	DATE
RESIDENCE	<u> </u>	CITIZENSHIP	1
1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japan		Japanese	
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FULL NAME OF THIRD JOINT INVENTOR, IF ANY	INVENTOR'S SIG	,	DATE
SHINZO KAGABU	Thingo Kaga	len	Mer 219, 2006
RESIDENCE		CITIZENSHIP	
1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan		Japanese	
POST OFFICE ADDRESS			
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FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	INVENTOR'S SIG	NATURE	DATE
SHOKO SASAKI		., ., ., ., .	
RESIDENCE	_ 	CITIZENSHIP	
6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Japa	an	Japanese	
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KOICHI MORIYA	INVENTOR 3 SIG	DINATURE	DAIL
RESIDENCE	_L	CITIZENSHIP	
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RESIDENCE		CITIZENSHIP	

	PPLICATION CO ATTORNEY	OMBINATION DEC	LARATION &	ATTORNEY DO 100717-522 / Reissue		
/We hereby declare	that:					
My/our residence, po	st office address	s and citizenship a	re as stated be	elow next to m	y name,	
/We believe I am/we original, first and joint and claimed in paten sought on the inventi	inventor (if plura t number <u>4,849,</u>	al names are listed <u>432</u> , granted <u>Jul</u> y	below) of the s 18, 1989 and	subject matter	which is	described
the specification of w	hich					
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hereby reviewed and claims, as amended	d understand the	e contents of the a	above identified ove.	I specification	, including	g the
acknowledge the du Code of Federal Reg		formation which is	material to par	tentability as o	defined in	Title 37,
hereby claim foreigrapplication(s) for pate application for patent priority is claimed:	ent or inventor's	certificate listed b	elow and have	also identified	d below a	ny foreign
Prior Foreign Appl	ication(s)				Priority (Claimed
SHO 61-48629 (Number)		apan untry)	07 March 19 (Day/Month/		☑yes	□ no
(Number)	(Cou	untry)	(Day/Month/	Yr. Filed)	□yes	□ no
hereby claim the besisted below and, inso n the prior United Sta States Code, §112, I of Federal Regulation national or PCT intern	ofar as the subjectes application acknowledge the second with the second	ect matter of each in the manner pro e duty to disclose ch occurred betwe	of the claims of vided by the fire material informaterial	f this applications t paragraph of ation as define	on is not o of Title 35 ed in Title	disclosed , United 37, Code
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REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY Docket No. 100717-522

Page 2 of 3

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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon, or any patent to which this declaration is directed.

POWER OF ATTORNEY: As a named inventor, I hereby appoint

Practioners Associated with the Customer Number: 27384

as my/our attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

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DIRECT TELEPHONE CALL	S TO:			
Kurt G. Briscoe	(212) 808-	0700		

REISSUE APPLICATION DECLARATION AND POWER OF ATTORNEY Docket No. 100717-522 Page 3 of 3

FULL NAME OF SOLE OR FIRST INVENTOR KOZO SHIOKAWA	INVENTOR'S SIG	NATURE	DATE
RESIDENCE	CITIZENSHIP		
6-2-13 Chuo, Sagamihara-shi, Kanagawa, 229-0039, Japan	1	Japanese	
POST OFFICE ADDRESS		04,100	
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Same as above		Nag.	
CONTRACTOR OF STREET	LINKENTODIO CIO	MATURE	DATE
FULL NAME OF SECOND JOINT INVENTOR, IF ANY	INVENTOR'S SIG	MAJUKE /	
SHINICHI TSUBOI	Thin-site (1)	unol	20 April 06
RESIDENCE	A CONTRACTOR OF THE STATE OF TH	CITIZENSHIP	
1-57-S 410, Wada, Suginami-ku, Tokyo, 166-0012, Japan		Japanese	
POST OFFICE ADDRESS			·
Same as above			
FULL NAME OF THIRD JOINT INVENTOR, IF ANY	INVENTOR'S SIG	NATURE	DATE
SHINZO KAGABU			}
RESIDENCE	<u> </u>	CITIZENSHIP	
		Japanese	
1246-22, Nagara, Gifu-shi, Gifu, 502-0071, Japan		Japanese	
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FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	INVENTOR'S SIG	NATURE	DATE
SHOKO SASAKI	<u> </u>		_i
RESIDENCE		CITIZENSHIP	
6-10-8-111, Minamidaira, Hino-shi, Tokyo, 191-0041, Japa	n	Japanese	
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	INVENTOR'S SIG	NATURE	QATE /
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY	16/2 / / . / //	INATURE	DATE / 2006
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FULL NAME OF FIFTH JOINT INVENTOR, IF ANY KOICHI MORIYA RESIDENCE 3-15-8-701, Asakusabashi, Taito-ku, Tokyo, 111-0053-Jap	Korchi Mr	ma _	DATE / 2006
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